



Minutes

Ordinary Council Meeting

held in the Council Chambers

John Street, Coonabarabran

on Thursday, 21 July 2022

commencing at 5:20 pm

PRESENT: Cr A Doolan (Chairperson), Cr A Iannuzzi, Cr K Brady, Cr D Hogden, Cr Z Holcombe, Cr C Kopke (videolink), Cr J Newton, Cr K Rindfleish and Cr D Todd (videolink).

In attendance: General Manager (Roger Bailey), Director Environment and Development Services (Leeanne Ryan), Director Technical Services (Gary Murphy), Acting Director Corporate and Community Services (Lindsay Mason) and Executive Assistant to the General Manager (Erin Player – Minutes).

Acknowledgement of Country

The Mayor acknowledged the Gomeroi people, the Traditional Custodians of the Land at which the meeting is held and paid respects to Elders, both past and present, of the Gomeroi Nation and extended that respect to other Aboriginal people who are present.

Recording of Meeting

The Mayor announced that the meeting was being streamed live plus audio recorded, and that the audio recording will be published.

APOLOGIES

Nil

Confirmation of Minutes

1/2223 RESOLVED that Council confirm the Minutes of the Ordinary Council meeting held on 16 June 2022.

MOVED: Councillor Brady

SECONDED: Councillor Newton

For – Unanimous

The Mayor called for Disclosure of Interests

Nil

Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 8 June 2022 to 8 July 2022

2/2223 RESOLVED that Council:

1. Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 16 June 2022 to 8 July 2022.
2. Notes the report on the Mayor's credit card expenses between 8 June 2022 and 7 July 2022 and approves the payment of expenses totalling \$2,6798.40.

MOVED: Councillor Doolan

SECONDED: Councillor Todd

For – Unanimous

Item 2 Mayoral Minute – Accounting Treatment of Rural Fire Service ('Red Fleet') Assets

3/2223 RESOLVED that:

1. Council writes to the local State Member(s) Roy Butler MP, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:
 - a. Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;
 - b. Advising of the impact of the Government's position on Council finances of this accounting treatment;
 - c. Informing that Council will not carry out RFS assets stocktakes on behalf of the NSW Government and will not record RFS assets in Warrumbungle Shire Council's financial statements;
 - d. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
 - e. Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
2. Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
 - a. Advising Members of Warrumbungle Shire Council's position, including providing copies of correspondence to NSW Government Ministers; and
 - b. Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.
3. Warrumbungle Shire Council writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government and will not record RFS assets in Warrumbungle Shire Council's financial statements, noting that the State Government's own Local Government Accounting Code of Practice and Financial Reporting provides for councils to determine whether or not they record the RFS assets as council assets.
4. Council promotes these messages via its digital and social media channels and via its networks.
5. Re-affirms its complete support of and commitment to local RFS brigades noting that Warrumbungle Shire Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
6. That Warrumbungle Shire Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get

clarification finally from the State Government about the accounting treatment of RFS assets.

7. Council review its own position in relation to recording RFS assets in its Financial Statements given that Council does not have a say in the acquisition of RFS assets, no involvement in the deployment of those assets and no say in the disposal of the assets.
8. Council invites the RFS to provide advice on why Council should not withdraw from the Castlereagh Zoning Agreement.

MOVED: Councillor Doolan

SECONDED: Councillor Holcombe

For – Unanimous

Item 3 Councillors' Monthly Travel Claims

4/2223 RESOLVED that the Councillors' monthly travel claims report in the amount of \$672.36 is noted.

MOVED: Councillor Todd

SECONDED: Councillor Rindfleish

For – Unanimous

Item 4 Minutes of Traffic Advisory Committee Meeting – 23 June 2022

5/2223 RESOLVED that:

1. The minutes of the Traffic Advisory Committee Meeting held on the 23 June 2022 are noted for information.
2. The application by the Rotary Club of Coonabarabran to conduct the Tour de Warrumbungles Bike Ride event along Coonabarabran streets, local roads and regional roads on Sunday, 2 October 2022 between 8.00am and 2.00pm be approved subject to compliance with and receipt of the following:
 - Traffic Management Plan
 - Traffic Guidance Scheme
 - TfNSW Western Region concurrence
 - Council's Road Closure Guidelines
 - Receipt of current Public Liability Insurance
 - That a risk assessment be submitted by the organiser and distributed to Traffic Advisory Committee members for consideration
 - That the organiser encourages riders in the event to wear HiVis clothing.

MOVED: Councillor Kopke

SECONDED: Councillor Newton

For – Unanimous

Item 5 Disclosure of Interests under clause 4.21 of the *Model Code of Conduct for Local Councils in NSW*

6/2223 RESOLVED that Council:

1. Note the report on Disclosure of Interests under clause 4.21 of the *Model Code of Conduct for Local Councils in NSW* for the period to 30 June 2022.
2. Identify the following positions as designated staff:
 - Director Environment and Development Services
 - Director Technical Services
 - Director Corporate and Community Services
 - Manager Projects
 - Manager Roads
 - Manager Planning and Regulation
 - Building Certifier
 - Town Planner
3. Note the relevant forms have been issued to all councillors and designated staff.
4. Note that the Returns are to be provided to the General Manager by no later than 30 September 2022

MOVED: Councillor Newton

SECONDED: Councillor Hogden

For – Unanimous

Item 6 Council Resolutions Report

7/2223 RESOLVED that the Council Resolution Report be noted for information.

MOVED: Councillor Holcombe

SECONDED: Councillor Rindfleish

For – Unanimous

Item 7 Revotes and High Value Projects Report

8/2223 RESOLVED that the Revote and High Value Projects Report be noted for information.

MOVED: Councillor Hogden

SECONDED: Councillor Holcombe

For – Unanimous

Item 8 NDIS Accreditation Warrumbungle Community Care

9/2223 RESOLVED that Council not seek NDIS re-registration.

MOVED: Councillor Holcombe

SECONDED: Councillor Kopke

For – Cr Holcombe, Cr Newton, Cr Rindfleish, Cr Todd and Cr Iannuzzi

Against – Cr Kopke, Cr Brady, Cr Hogden and Cr Doolan

Item 9 Investments and Term Deposits – month ending 30 June 2022

10/2223 RESOLVED that Council accept the Investments Report for the month ending 30 June 2022 including a total balance of \$27,380,215.75 being:

- \$2,529,806.41 in at call accounts.
- \$24,000,000.00 in term deposits.
- \$850,409.34 cash at bank.

MOVED: Councillor Holcombe

SECONDED: Councillor Kopke

For – Unanimous

Item 10 Maintenance of Unformed Roads

MOTION that Council:

1. Continues to only maintain road lengths of formed roads that are listed in the current roads asset register that is held in Council's mapping system (Intramaps).
2. Unformed roads that have been damaged as a result of the natural disaster and recent wet weather are only repaired if there is approved disaster recovery funding from Transport for NSW (TfNSW). This will not change the level of service of that section of road and it will remain an unformed road.
3. Notifies the residents of Hotchkiss, Mount Bangalore, Bong Bong, Maroo, Yaminbah, Tonniges, Cainbil and Spiers Roads of the maintained length of their road and that the remainder is classified as an unformed road and is not maintained by Council.
4. Reviews the roads asset register to reflect any changes as a result of Council's resolutions since it was last adopted in the Asset Management Plan 2019.
5. Establishes a Road Network Consultative Group:
 - a. That is an advisory group to Council.
 - b. That represent the views, needs and expectations of the residents of Warrumbungle Shire on strategic matters relating to the road network.
 - c. That provides information and feedback to Council about the road hierarchy, level of service and road related policies for the road network.
 - d. Where the Group members are responsible for seeking information and feedback from the community on strategic matters relating to the road network.
 - e. That Council invites nominations from the community for membership of the Road Network Consultative Group.
 - f. That meetings are held quarterly at a time that is agreeable to the Group members.

MOVED: Councillor Todd

SECONDED: Councillor Hogden

On being PUT the MOTION was LOST.

Against – Unanimous

Item 11 Traffic Management Services

11/2223 RESOLVED that:

1. The report on Traffic Management Services be noted.

2. Traffic control services provided by Council to third parties be done so on a cost-recovery basis.
3. Non-for-profit entities and charities be offered the opportunity to seek a waiver of Council's traffic control service costs for consideration by the General Manager in accordance with Delegations.
4. ANZAC Day, Remembrance Day and Sorry Day events be exempt of Council's traffic control service costs.

MOVED: Councillor Newton

SECONDED: Councillor Hogden

For – Cr Doolan, Cr Brady, Cr Hogden, Cr Newton, Cr Kopke, Cr Rindfleish and Cr Iannuzzi
Against – Cr Todd and Cr Holcombe

**Item 12 Inquiry into Speed Limits and Road Safety in Regional NSW
12/2223 RESOLVED** that:

1. Council make a submission to the Joint Standing Committee on Road Safety (StaySafe) Inquiry into Speed Limits and Road Safety in Regional NSW.
2. Council's submission includes the issues identified in the attached draft submission.

MOVED: Councillor Kopke

SECONDED: Councillor Holcombe

For – Unanimous

**Item 13 Crown Land Manager for Reserve 17798 for Police Purposes
13/2223 RESOLVED** that:

1. Council write to the Department of Planning and Environment – Land and Asset Management requesting that Council be appointed Crown Land Manager for Crown Reserve 17798 for Police Purposes.
2. That when requesting that Council be appointed Crown Land Manager for R17798, an additional purpose for 'public recreation' also be requested to be added to the reserve.

MOVED: Councillor Newton

SECONDED: Councillor Todd

For – Unanimous

**Item 14 Drinking Water Management System Improvement Plan Implementation –
July 2022 Update Report
14/2223 RESOLVED** that Council notes the Drinking Water Management System Improvement Plan Implementation – July 2022 Update Report.

MOVED: Councillor Newton

SECONDED: Councillor Hogden

For – Unanimous

Item 15 Mendooran Water Quality Incident Review Report Implementation – Progress Update

15/2223 RESOLVED that Council notes the implementation progress of the recommendations within the Mendooran Water Quality Incident Review Report

MOVED: Councillor Todd

SECONDED: Councillor Kopke

For – Unanimous

Item 16 Delivery of the Coonabarabran and Dunedoo Sewerage Treatment Plant Upgrade Project using Selective Tendering

16/2223 RESOLVED that Council:

1. Notes the information contained in the Delivery of the Coonabarabran and Dunedoo Sewerage Treatment Plant Upgrade Project using Selective Tendering report.
2. Adopts the Selective Tendering method to deliver the Coonabarabran and Dunedoo Sewerage Treatment Plant Upgrade Project.

MOVED: Councillor Newton

SECONDED: Councillor Hogden

For – Unanimous

Item 17 Baradine Sewage Treatment Plant Scoping Study Report

17/2223 RESOLVED that Council:

1. Notes the information in the Baradine Sewage Treatment Plant Scoping Study Report.
2. Actively engages with ARTC and their contractors to seek funding for the necessary treatments to the Baradine Sewerage Treatment Plant to address the additional loading to the plant from the proposed construction workers camp.

MOVED: Councillor Holcombe

SECONDED: Councillor Newton

For – Unanimous

Item 18 Coolah Sewerage Treatment Plant Replacement – Project Update

18/2223 RESOLVED that Council:

1. Notes the information contained in the Coolah Sewerage Treatment Plant Replacement - Project Update Report.
2. Seek Expressions of Interest from landholders around Coolah for the sale of land to Council for the establishment of a new STP and associated effluent re-use scheme, on suitable land within 7km of the existing Coolah STP.
3. Undertakes a detailed options assessment, including identifying the most suitable site, for the construction of a modular STP in Coolah and, subject to the outcome of (2) above, also includes the option of a pond based STP on the most appropriate parcel of land.

MOVED: Councillor Rindfleish

SECONDED: Councillor Iannuzzi

For – Unanimous

Item 19 Bore Condition Assessment

19/2223 RESOLVED that Council:

1. Notes the information contained in the Bore Condition Assessment Project Report.
2. Use the remaining funds from the bore condition assessment project for camera inspection and condition assessment of the Kenebri, Bugaldie, Baradine, Dunedoo town well, Coonabarabran bore 2 and Kenebri Bore using contractors for the project through the tender process to be undertaken by OWUA.

MOVED: Councillor Holcombe

SECONDED: Councillor Todd

For – Unanimous

Item 20 Development Applications

20/2223 RESOLVED that Council notes the Applications and Certificates approved during June 2022, under Delegated Authority.

MOVED: Councillor Brady

SECONDED: Councillor Newton

For – Unanimous

Item 21 Notice of Motion – Renewable Energy Policy

21/2223 RESOLVED that Warrumbungle Shire develop a Planning Agreement Policy for Renewable Energy Generators, including Solar and Wind Energy Farms.

MOVED: Councillor Rindfleish

SECONDED: Councillor Todd

For – Cr Doolan, Cr Brady, Cr Hogden, Cr Kopke, Cr Todd, Cr Newton, Cr Rindfleish and Cr Iannuzzi

Against – Cr Holcombe

Item 22 Reports to be Considered in Closed Council

22/2223 RESOLVED that:

1. Item 22.1 Human Resources Monthly Report

That the Human Resources Monthly Report be referred to Closed Council pursuant to section 10A(2)(a) of the Local Government Act 1993 (NSW) on the grounds that the matter deals with personnel matters concerning particular individuals (other than councillors).

2. Item 22.2 Three Rivers Regional Retirement Community Information Report

That the Three Rivers Regional Retirement Community Information Report be referred to Closed Council pursuant to section 10A(2)(g) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with advice concerning

litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

3. Item 22.3 Provision of Project Management Services for Coonabarabran and Dunedoo Sewerage Treatment Plant Upgrades

That the Provision of Project Management Services for Coonabarabran and Dunedoo Sewerage Treatment Report be referred to Closed Council pursuant to section 10A(2)(d) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council, or reveal a trade secret.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Holcombe

For – Unanimous

The General Manager offered the opportunity to members of the public to make representation as to whether any part of the aforementioned items should not be considered in Closed Council.

There was no response from the public.

23/2223 RESOLVED that:

1. Council go into Closed Council to consider business relating to confidential information.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993* (NSW), the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993* (NSW).

MOVED: Councillor Newton

SECONDED: Councillor Holcombe

For – Unanimous

6.45 pm
Closed Council

Item 22.1 Human Resources Monthly Report – June 2022

24/2223 RESOLVED that the Human Resources Monthly Report for July 2022 be noted for information.

MOVED: Councillor Todd

SECONDED: Councillor Brady

For – Unanimous

Item 22.2 Three Rivers Regional Retirement Community Information Report

25/2223 RESOLVED that Council note the advice and endorse the actions as outlined in the report in relation to the Three Rivers Regional Retirement Community Project.

MOVED: Councillor Hogden

SECONDED: Councillor Newton

For – Unanimous

**Item 22.3 Provision of Project Management Services for Coonabarabran and
Dunedoo Sewerage Treatment Plant Upgrades**

26/2223 RESOLVED that Council:

1. Notes the information contained in the Provision of Project Management Services for Coonabarabran and Dunedoo Sewerage Treatment Plant Upgrades Report.
2. Accepts the tender for the Provision of Project Management Services for Coonabarabran and Dunedoo Sewerage Treatment Plant Upgrades from Hunter H2O Holdings Pty Ltd trading as Beca HunterH2O for a total contract value of \$417,604 (inc. GST).

MOVED: Councillor Brady

SECONDED: Councillor Newton

For – Unanimous

27/2223 RESOLVED that Council return to Open Council.

MOVED: Councillor Newton

SECONDED: Councillor Brady

For – Unanimous

**6.53 pm
Open Council**

The resolutions of Closed Council were announced to the meeting by the General Manager.

There being no further business the meeting closed at 6.54 pm.

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CHAIRPERSON